

BASIS FOR THE AMENDMENT

The specification has been amended as supported by the specification as originally filed.

Claims 25-27 have been canceled. The limitations of Claims 25 and 26 have been included in Claim 1.

New Claim 28 has been added as supported by Claims 1, 25 and 26 and at page 34, last paragraph of the specification.

No new matter is believed to have been added by entry of this amendment. Entry and favorable reconsideration are respectfully requested.

Upon entry of this amendment Claims 1-11, 13 and 14-24 and 28 will now be active in this application.

REMARKS

Applicants respectfully request reconsideration of the application, as amended, in view of the following remarks.

The objection to the specification is moot in view of the amendment of the specification.

The rejections of Claims 25-27 are moot in view of the cancellation of these claims.

Applicants wish to thank the Examiner for indicating allowability of Claim 26 (formula XIVa).

Claim 1 has been amended to include the limitations of allowable Claim 26 and Claim 25 (from which Claim 26 depended).

New Claim 28 includes the limitations of Claim 1, allowable Claim 26 and Claim 25 (from which Claim 26 depended) and includes mixtures of compounds of formula (XIVa) and (XIII).

Therefore, rejections over Smith et al, Maruyama et al and Momoda et al are believed to be unsustainable as the present invention is neither anticipated nor obvious and withdrawal of these rejections is respectfully requested.

Regarding the provisional double patenting rejections, the MPEP instructs the Examiner to withdraw the provisional rejection if it is the only issue remaining in one case and convert the provisional rejection in the other application to a double patenting rejection. MPEP 822.01. Notably, the present application (Serial No. 10/587,257) is the first filed case

compared to Serial Nos. 10/588,210 and 11,547,210. Thus, the provisional double-patenting rejections should be withdrawn in the present case.

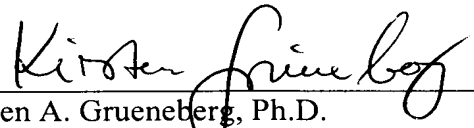
This application presents allowable subject matter, and the Examiner is kindly requested to pass it to issue. Should the Examiner have any questions regarding the claims or otherwise wish to discuss this case, he is kindly invited to contact Applicants' below-signed representative, who would be happy to provide any assistance deemed necessary in speeding this application to allowance.

Respectfully submitted,

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